

REMARKS

Amendments to the Specification

The title is amended herein as suggested by the Examiner.

The specification is amended to update the status of the parent non-provisional application, to remove recitation of URL addresses, and to include a sequence identifier for the amino acid sequence set forth at lines 12-13 on page 15 of the specification. Applicant submits herewith a substitute sequence listing in paper and computer-readable form that includes the additional amino acid sequence.

The outstanding objections to the title and specification should be withdrawn.

Amendments to the Claims

Claims 18 and 19 are amended herein without prejudice to include the phrase "IL-18-induced." Applicants reserve the right to pursue claims lacking the additional language in future prosecution of this or a related application.

The Outstanding Rejections

Claims 18, 19, and 21-26 were rejected under 35 U.S.C. § 112, second paragraph. In particular, the Examiner believes that independent claims 18 and 19 are indefinite for failing to recite a step relating back to the preamble. Applicants respectfully disagree. The rejection fails to put forth any reasoning as to why the lack of such a step renders the claims indefinite. Nonetheless, Applicants' amendments of claims 18 and 19 render the rejection moot.

The addition of the "IL-18-induced" language to claims 18 and 19 is not meant to further limit the claim but to merely clarify the intended purpose of the claimed method. The preambles of claims 18 and 19 merely set forth the intended purpose of the claimed method and are not meant as a limitation of the claim. MPEP § 2111.02 ("If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999).) Because the body of claims 18 and 19 fully and intrinsically set forth all the limitation of the claimed invention, the preamble is not a limitation of the claims.

Claims 18, 19, and 21-26 were further rejected under 35 U.S.C. § 112, first paragraph. The Examiner believes that the claims lack enablement for a method of blocking NF κ B/JNK activation that is not in response to IL-18 stimulation. Applicant respectfully disagrees with the assertion that the claims are not enabled.

As explained above, the preamble of claims 18 and 19 are not limitations of the claims. Claim 18 only requires the step of administering to a mammal an antibody that binds to a polypeptide consisting of amino acids 15-356 of SEQ ID NO:7, wherein the antibody blocks IL-18 stimulation of NF κ B signaling. As indicated in the Office Action in paragraph 15, the step of administering the antibody to the mammal is enabled by the specification.

Similarly, claim 19 only requires the step of administering to a mammal an antibody that binds to a polypeptide consisting of amino acids 15-356 of SEQ ID NO:7, wherein the antibody blocks IL-18 induction of JNK signaling. Again, the Office Action states that the step of administering the antibody to the mammal is enabled by the specification.

Thus, because claims 18 and 19 contain the single step of administering the recited antibody to a mammal and that step is acknowledged as being enabled by the Examiner, the rejection of the claims under 35 U.S.C. § 112, first paragraph should be withdrawn.

CONCLUSIONS

In view of the election and amendment, Applicants request favorable consideration of the application and speedy allowance of the claims. The Commissioner is hereby authorized to charge any fees which may be required by the accompanying papers, or credit any overpayment to Deposit Account No. 09-0089.

Respectfully submitted,



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March 19, 2007

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